

**UNIFORM BUILDING STANDARDS ACT -
MANUFACTURED HOUSING AMENDMENTS**

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill amends the Occupations and Professions Code by amending installation standards for manufactured homes and creating penalties for violations.

Highlighted Provisions:

This bill:

- ▶ requires general contractors who install manufactured homes to receive additional training;
- ▶ eliminates the current definition of "installation standard" for manufactured homes and requires the Division of Occupational and Professional Licensing to adopt a nationally recognized manufactured housing installation standard code;
- ▶ specifies the construction codes which the state and its political subdivisions shall follow;
- ▶ grants authority to the Division of Occupational and Professional Licensing to enforce manufactured housing installation standards and assess penalties for violations;
- ▶ adopts criminal penalties for violations of manufactured housing installation standards and assesses penalties for violations; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-55-102, as last amended by Chapters 33 and 241, Laws of Utah 2002

58-56-3, as last amended by Chapter 75, Laws of Utah 2002

58-56-4, as last amended by Chapter 75, Laws of Utah 2002

58-56-12, as enacted by Chapter 293, Laws of Utah 1990

58-56-15, as enacted by Chapter 293, Laws of Utah 1990

70D-1-19, as enacted by Chapter 229, Laws of Utah 2003

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-55-102** is amended to read:

58-55-102. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

(1) (a) "Alarm business or company" means a person engaged in the sale, installation, maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system, except as provided in Subsection (1)(b).

(b) "Alarm business or company" does not include ~~[the activities of]~~:

(i) a person engaged in the manufacture and sale of alarm systems when that person is not engaged in the installation, maintenance, alteration, repair, replacement, servicing, or monitoring of alarm systems, and the manufacture or sale occurs only at a place of business established by the person engaged in the manufacture or sale and does not involve site visits at the place or intended place of installation of an alarm system; or

(ii) an owner of an alarm system, or an employee of the owner of an alarm system who is engaged in installation, maintenance, alteration, repair, replacement, servicing, or monitoring of the alarm system owned by that owner.

(2) "Alarm company agent" means any individual employed within this state by a person engaged in the alarm business.

(3) "Alarm system" means equipment and devices assembled for the purpose of:

(a) detecting and signaling unauthorized intrusion or entry into or onto certain premises;
or

(b) signaling a robbery or attempted robbery on protected premises.

(4) "Apprentice electrician" means a person licensed under this chapter as an apprentice electrician who is learning the electrical trade under approved supervision of a master electrician, residential master electrician, a journeyman electrician, or a residential journeyman electrician.

(5) "Apprentice plumber" means a person licensed under this chapter as an apprentice plumber who is learning the plumbing trade under approved supervision of a journeyman plumber.

(6) "Approved supervision" means the immediate supervision of apprentices by qualified licensed electricians or plumbers as a part of a planned program of training.

(7) "Board" means the Electrician Licensing Board, Alarm System Security and Licensing Board, or Plumbers Licensing Board created in Section 58-55-201.

(8) "Combustion system" means an assembly consisting of:

(a) components with a means for conveying, either continuously or intermittently, natural gas from the shutoff valve of the piping system nearest the gas appliance to the burner [~~and includes~~];

(b) electric control and combustion air supply and venting systems [~~either continuously or intermittently, and that incorporates~~]; and

(c) components intended to achieve control of quantity, flow, and pressure.

(9) "Commission" means the Construction Services Commission created under Section 58-55-103.

(10) "Construction trade" means any trade or occupation involving:

(a) construction, alteration, remodeling, repairing, wrecking or demolition, addition to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation or other project, development, or improvement to other than personal property; or

(b) installation or repair of a residential or commercial natural gas appliance or [a] combustion system.

(11) "Construction trades instructor" means a person licensed under this chapter to teach

one or more construction trades in both a classroom and project environment, where a project is intended for sale to or use by the public and is completed under the direction of [am] the instructor, who has no economic interest in the project.

(12) (a) "Contractor" means any person who for compensation other than wages as an employee undertakes any work in the construction, plumbing, or electrical trade for which licensure is required under this chapter and includes:

(i) a person who builds any structure on his own property for the purpose of sale or who builds any structure intended for public use on his own property;

(ii) any person who represents himself to be a contractor by advertising or any other means;

(iii) any person engaged as a maintenance person, other than an employee, who regularly engages in activities set forth under the definition of "construction trade";

(iv) any person engaged in any construction trade for which licensure is required under this chapter; or

(v) a construction manager who performs management and counseling services on a construction project for a fee.

(b) "Contractor" does not include an alarm company or alarm company agent.

(13) (a) "Electrical trade" means the performance of any electrical work involved in the installation, construction, alteration, change, repair, removal, or maintenance of facilities, buildings, or appendages or appurtenances.

(b) "Electrical trade" does not include:

(i) transporting or handling electrical materials;

(ii) preparing clearance for raceways for wiring; or

(iii) work commonly done by unskilled labor [or] on any installations under the exclusive control of electrical utilities.

(c) For purposes of Subsection (13)(b):

(i) no more than one unlicensed person may be so employed unless more than five licensed electricians are employed by the shop; and

(ii) a shop may not employ unlicensed persons in excess of the five-to-one ratio permitted by this Subsection (13)(c).

(14) "Employee" means an individual as defined by the division by rule giving consideration to the definition adopted by the Internal Revenue Service and the Department of Workforce Services.

(15) "Engage in a construction trade" means to:

(a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged in a construction trade; or

(b) use the name "contractor" or "builder" or in any other way lead a reasonable person to believe one is or will act as a contractor.

(16) "Financial responsibility" means a demonstration of a current and expected future condition of financial solvency evidencing a reasonable expectation to the division and the board that an applicant or licensee can successfully engage in business as a contractor without jeopardy to the public health, safety, and welfare. Financial responsibility may be determined by an evaluation of the total history concerning the licensee or applicant including past, present, and expected condition and record of financial solvency and business conduct.

(17) "Gas appliance" means any device that uses natural gas to produce light, heat, power, steam, hot water, refrigeration, or air conditioning.

(18) "General building contractor" means a person licensed under this chapter as a general building contractor qualified by education, training, experience, and knowledge to perform or superintend construction of structures for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind or any of the components of that construction except plumbing, electrical~~[, and]~~ work, mechanical~~[;]~~ work, and manufactured housing installation, for which the general building contractor shall employ the services of a contractor licensed in the particular specialty, except that a general building contractor engaged in the construction of single-family and multifamily residences up to four units may perform the mechanical work and hire a licensed plumber or electrician as an employee. The division may by rule exclude general building contractors from engaging in the performance of other construction specialties in which

there is represented a substantial risk to the public health, safety, and welfare, and for which a license is required unless that general building contractor holds a valid license in that specialty classification.

(19) "General engineering contractor" means a person licensed under this chapter as a general engineering contractor qualified by education, training, experience, and knowledge to perform construction of fixed works in any [~~or all~~] of the following: irrigation, drainage, water, power, water supply, flood control, inland waterways, harbors, railroads, highways, tunnels, airports and runways, sewers and bridges, refineries, pipelines, chemical and industrial plants requiring specialized engineering knowledge and skill, piers, and foundations, or any of the components of those works. However, a general engineering contractor may not perform construction of structures built primarily for the support, shelter, and enclosure of persons, animals, and chattels.

(20) "Immediate supervision" means reasonable direction, oversight, inspection, and evaluation of the work of a person, in or out of the immediate presence of the supervising person, so as to ensure that the end result complies with applicable standards.

(21) "Individual" means a natural person.

(22) "Journeyman electrician" means a person licensed under this chapter as a journeyman electrician having the qualifications, training, experience, and knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.

(23) "Journeyman plumber" means a person licensed under this chapter as a journeyman plumber having the qualifications, training, experience, and technical knowledge to engage in the plumbing trade.

(24) "Master electrician" means a person licensed under this chapter as a master electrician having the qualifications, training, experience, and knowledge to properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment for light, heat, power, and other purposes.

(25) "Person" means a natural person, sole proprietorship, joint venture, corporation, limited liability company, association, or organization of any type.

(26) (a) "Plumbing trade" means the performance of any mechanical work pertaining to the installation, alteration, change, repair, removal, maintenance, or use in buildings, or within three feet beyond the outside walls of buildings of pipes, fixtures, and fittings for:

(i) delivery of the water supply[;];

(ii) discharge of liquid and water carried waste[;]; or

(iii) the building drainage system within the walls of the building. [It]

(b) "Plumbing trade" includes [~~that~~] work pertaining to the water supply, distribution pipes, fixtures[;] and fixture traps, [~~the~~] soil, waste and vent pipes, and the building drain and roof drains together with their devices, appurtenances, and connections where installed within the outside walls of the building.

(27) "Ratio of apprentices" means, for the purpose of determining compliance with the requirements for planned programs of training and electrician apprentice licensing applications, the shop ratio of apprentice electricians to journeyman or master electricians shall be one journeyman or master electrician to one apprentice on industrial and commercial work, and one journeyman or master electrician to three apprentices on residential work. [~~All on-the-job~~] On-the-job training shall be under circumstances in which the ratio of apprentices to supervisors is in accordance with a ratio of one-to-one on nonresidential work and up to three apprentices to one supervisor on residential projects.

(28) "Residential and small commercial contractor" means a person licensed under this chapter as a residential and small commercial contractor qualified by education, training, experience, and knowledge to perform or superintend the construction of single-family residences, multifamily residences up to four units, and commercial construction of not more than three stories above ground and not more than 20,000 square feet, or any of the components of that construction except plumbing, electrical[~~, and~~] work, mechanical[;] work, and manufactured housing installation, for which the residential and small commercial contractor shall employ the services of a contractor licensed in the particular specialty, except that a residential and small commercial contractor engaged in the construction of single-family and multifamily residences up to four units may perform the mechanical work and hire a licensed plumber or electrician as an

employee.

(29) "Residential apprentice plumber" means a person licensed under this chapter as a residential apprentice plumber who is learning the residential plumbing trade while working on residential buildings under the approved supervision of a residential journeyman plumber or a journeyman plumber.

(30) "Residential building," as it relates to the license classification of residential apprentice plumber and residential journeyman plumber, means a single or multiple family dwelling of up to four units.

(31) "Residential journeyman electrician" means a person licensed under this chapter as a residential journeyman electrician having the qualifications, training, experience, and knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power, and other purposes on buildings using primarily nonmetallic sheath cable.

(32) "Residential journeyman plumber" means a person licensed under this chapter as a residential journeyman plumber having the qualifications, training, experience, and knowledge to engage in the plumbing trade as limited to the plumbing of residential buildings.

(33) "Residential master electrician" means a person licensed under this chapter as a residential master electrician having the qualifications, training, experience, and knowledge to properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment for light, heat, power, and other purposes on residential projects.

(34) "Residential project," as it relates to an electrician or electrical contractor, means buildings primarily wired with nonmetallic sheathed cable, in accordance with standard rules and regulations governing this work, including the National Electrical Code, and in which the voltage does not exceed 250 volts line to line and 125 volts to ground.

(35) "Specialty contractor" means a person licensed under this chapter under a specialty contractor classification established by rule, who is qualified by education, training, experience, and knowledge to perform those construction trades and crafts requiring specialized skill, the regulation of which are determined by the division to be in the best interest of the public health, safety, and welfare. A specialty contractor may perform work in crafts or trades other than those

in which he is licensed if they are incidental to the performance of his licensed craft or trade.

(36) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-55-501.

(37) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-55-502 and as may be further defined by rule.

(38) "Wages" means ~~all~~ amounts due to an employee for labor or services whether the amount is fixed or ascertained on a time, task, piece, commission, or other basis for calculating the amount.

Section 2. Section **58-56-3** is amended to read:

58-56-3. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

(1) "Building" means a structure used or intended for supporting or sheltering any use or occupancy and any improvements attached to it.

(2) "Code(s)" means the following codes, including the standards and specifications contained in them:

(a) codes adopted by the commission under Subsection 58-56-4(2); and

(b) codes approved by the commission under Subsection 58-56-4(4)(a).

(3) "Commission" means the Uniform Building Code Commission created under this chapter.

(4) "Compliance agency" means an agency of the state or any of its political subdivisions which ~~issue~~ issues permits for construction regulated under the codes, or any other agency of the state or its political subdivisions specifically empowered to enforce compliance with the codes.

(5) "Factory built housing" means manufactured homes or mobile homes.

(6) "Factory built housing set-up contractor" means an individual licensed by the division to set up or install factory built housing on a temporary or permanent basis. The scope of the work included under the license includes the placement and or securing of the factory built housing on a permanent or temporary foundation, securing the units together if required, and connection of the utilities to the factory built housing unit, but does not include site preparation, construction of a permanent foundation, and construction of utility services to the near proximity

of the factory built housing unit. If a dealer is not licensed as a factory built housing set up contractor, that individual must subcontract the connection services to individuals who are licensed by the division to perform those specific functions under Title 58, Chapter 55, Utah Construction Trades Licensing Act.

(7) "HUD code" means the ~~[Federal]~~ National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. Sec. 5401 et seq.

~~[(8) "Installation standard" means the standard adopted and published by the National Conference of States on Building Codes and Standards (NCSBCS), for the installation of manufactured homes titled "The Standard for Manufactured Home Installations," the accompanying manufacturer's instructions for the installation of the manufactured home, or such equivalent standard as adopted by rule.]~~

~~[(9)]~~ (8) "Local regulator" means each political subdivision of the state which is empowered to engage in the regulation of construction, alteration, remodeling, building, repair, and other activities subject to the codes.

~~[(10)]~~ (9) "Manufactured home" means a transportable factory built housing unit constructed on or after June 15, 1976, according to the ~~[Federal Home Construction and Safety Standards Act of 1974 (HUD Code)]~~, in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. ~~[All manufactured]~~ Manufactured homes constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

~~[(11)]~~ (10) "Mobile home" means a transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the ~~[Federal Manufactured Housing and Safety Standards Act (HUD Code)]~~.

~~[(12)]~~ (11) "Modular unit" means a structure built from sections which are manufactured

in accordance with the construction standards adopted pursuant to Section 58-56-4 and transported to a building site, the purpose of which is for human habitation, occupancy, or use.

~~[(13)]~~ (12) "Opinion" means a written, nonbinding, and advisory statement issued by the commission concerning an interpretation of the meaning of the codes or the application of the codes in a specific circumstance issued in response to a specific request by a party to the issue.

~~[(14)]~~ (13) "State regulator" means an agency of the state which is empowered to engage in the regulation of construction, alteration, remodeling, building, repair, and other activities subject to the codes adopted pursuant to this chapter.

~~[(15)]~~ (14) "Unlawful conduct" is as defined in Subsection 58-1-501(1) and includes:

(a) engaging in the sale of factory built housing without being registered with the division as a dealer, unless the sale is exempt under Section 58-56-16; and

(b) selling factory built housing within the state as a dealer without collecting and remitting to the division the fee required by Section 58-56-17.

~~[(16)]~~ (15) "Unprofessional conduct" is as defined in Subsection 58-1-501(2) and includes:

(a) any nondelivery of goods or services by a registered dealer which constitutes a breach of contract by the dealer;

(b) the failure of a registered dealer to pay a subcontractor or supplier any amounts to which that subcontractor or supplier is legally entitled; and

(c) any other activity which is defined as unprofessional conduct by division rule in accordance with the provisions of Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

Section 3. Section **58-56-4** is amended to read:

58-56-4. Definitions -- Adoption of building codes -- Amendments -- Approval of other codes -- Exemptions.

(1) As used in this section:

(a) "agricultural use" means a use that relates to the tilling of soil and raising of crops, or keeping or raising domestic animals, for the purpose of commercial food production;

(b) "not for human occupancy" means use of a structure for purposes other than

protection or comfort of human beings, but allows people to enter the structure for:

- (i) maintenance and repair; and
- (ii) the care of livestock, crops, or equipment intended for agricultural use which are kept there; and
- (c) "residential area" means land that is not used for an agricultural use and is:
 - (i) (A) within the boundaries of a city or town; and
 - (B) less than five contiguous acres;
 - (ii) (A) within a subdivision for which the county has approved a subdivision plat under Title 17, Chapter 27, Part 8, Subdivision; and
 - (B) less than two contiguous acres; or
 - (iii) not located in whole or in part in an agricultural protection area created under Title 17, Chapter 41, Agricultural Protection Area.

(2) (a) Subject to the provisions of Subsections (4) and (5), the following codes, each of which must be promulgated by a nationally recognized code authority, shall be adopted, in the manner described in Subsection (2)(b), as the construction codes which the state and each political subdivision of the state shall follow in the circumstances described in Subsection (3):

- (i) a building code;
 - (ii) the National Electrical Code promulgated by the National Fire Protection Association;
 - (iii) a plumbing code; ~~and~~
 - (iv) a mechanical code~~[-]; and~~
 - (v) a manufactured housing installation standard code.
- (b) The division, in collaboration with the commission, shall adopt by rule specific editions of the codes described in Subsection (2)(a), and may adopt by rule successor editions of any adopted code.

(c) The division, in collaboration with the commission, may, in accordance with Section 58-56-7, adopt amendments to the codes adopted under Subsection (2)(a), to be applicable to the entire state or within one or more political subdivisions.

(3) Subject to the provisions of Subsections (4) and (5), the codes and amendments

adopted under Subsection (2) shall be followed when:

- (a) new construction is involved;
- (b) the owner of an existing building, or the owner's agent, is voluntarily engaged in:
 - (i) the repair, renovation, remodeling, alteration, enlargement, rehabilitation,

conservation, or reconstruction of the building; or

- (ii) changing the character or use of the building in a manner which increases the occupancy loads, other demands, or safety risks of the building.

(4) (a) The division, in collaboration with the commission, shall have discretion to approve, without adopting, certain codes in addition to those described in Subsection (2)(a), including specific editions of the codes, for use by a compliance agency.

(b) If the applicable code is one which the division has approved under Subsection (4)(a), a compliance agency has the discretion to:

- (i) adopt an ordinance requiring removal, demolition, or repair of a building, according to a code;
- (ii) adopt, by ordinance or rule, a dangerous building code; or
- (iii) adopt, by ordinance or rule, a building rehabilitation code.

(5) (a) Except in a residential area, a structure used solely in conjunction with agriculture use, and not for human occupancy, is exempted from the permit requirements of any code adopted by the division.

(b) Notwithstanding Subsection (5)(a), unless otherwise exempted, plumbing, electrical, and mechanical permits may be required when that work is included in the structure.

Section 4. Section **58-56-12** is amended to read:

58-56-12. Factory built housing units.

~~[Factory built housing unit construction, permit issuance for set-up, set-up and set-up inspection shall be in accordance with the following:]~~

~~[(1) Manufactured homes:]~~

(1) (a) Manufactured homes constructed, sold, or set-up in the state shall be constructed in accordance with the HUD code[;].

(b) Manufactured homes set-up in the state shall be installed in accordance with the [~~"installation standard" defined in Section 58-56-3;~~] manufactured housing installation standard code referred to in Section 58-56-4.

(c) The authority and responsibility for the issuance of building permits for the modification or set-up of manufactured homes within a political subdivision of the state shall be with the local regulator within that political subdivision[~~;~~and].

(d) The inspection of modifications to or the set-up of manufactured homes shall be conducted and approvals given by the local regulator within the political subdivision in which the set-up takes place.

~~[(2) Mobile homes:]~~

(2) (a) Mobile homes sold or set-up in the state shall be constructed in accordance with the mobile home construction code in existence in the state in which the mobile home was constructed at the time the mobile home was constructed[~~;~~].

(b) Mobile homes set-up in the state shall be installed in accordance with the [~~"installation standard" defined in Section 58-56-3;~~] manufactured housing installation standard code referred to in Section 58-56-4.

(c) The authority and responsibility for the issuance of building permits for the modification of or set-up of mobile homes within a political subdivision of the state shall be with the local regulator within that political subdivision[~~;~~and].

(d) The inspection of[~~;~~] modification to[~~;~~] or the set-up of mobile homes shall be conducted and approvals given by the local regulator within the political subdivision in which the set-up takes place.

Section 5. Section **58-56-15** is amended to read:

58-56-15. Factory built housing and modular units -- Division responsibility --

Unlawful conduct.

(1) The division:

~~[(1)]~~ (a) shall maintain current [~~files with respect to~~] information on the HUD code [~~and amendments thereto with respect to manufactured homes and the "installation standard" defined in~~

~~Section 58-56-3 with respect to installation of factory built housing;] and the manufactured housing installation standard code referred to in Section 58-56-4 and will provide at reasonable cost [such] the information to [aH] compliance agencies, local regulators, or state regulators requesting such information;~~

~~[(2)] (b) shall provide qualified personnel to advise compliance agencies, local regulators, and state regulators regarding the standards for construction and set-up, construction and set-up inspection, and additions or modifications to factory built housing;~~

~~[(3) may regularly inspect the work of all factory built housing manufacturers in the state during the construction process to determine compliance of the manufacturer with the applicable standards of the HUD code or the American National Standards Institute, Inc. or equivalent standards adopted by rule; and upon a finding of any substantive deficiency furnish a written finding of such deficiency to the standards agency;]~~

~~[(4)] (c) is [hereby] designated as the state administrative agency [and shall act as such] for [aH] purposes under the provisions of the HUD code; [and]~~

~~[(5)] (d) may inspect the work of [aH] modular unit manufacturers in the state during the construction process to determine compliance of the manufacturer with the Utah Uniform Building Standard Act for those units to be installed within the state[;] and upon a finding of [any] substantive deficiency, issue a corrective order to the manufacturer with a copy to the local regulator in the state's political subdivision in which the unit is to be installed[;];~~

(e) shall have rights of entry and inspection as specified under the HUD Code; and

(f) shall implement by rule as required by the HUD Code;

(i) a dispute resolution program; and

(ii) a continuing education requirement for manufactured housing installation contractors.

(2) The division may assess civil penalties payable to the state for violation of the HUD Code in an amount identical to those set forth in Section 611 of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Sec. 5410.

(3) The state may impose criminal sanctions for violations of the HUD Code identical to those set forth in Section 611 of the National Manufactured Housing Construction and Safety

Standards Act of 1974, 42 U.S.C. Sec. 5410, provided that if the criminal sanction is a fine, the fine shall be payable to the state.

Section 6. Section **70D-1-19** is amended to read:

70D-1-19. Definitions.

As used in this chapter:

(1) "Manufactured home" means a transportable factory built housing unit constructed on or after June 15, 1976, according to the National Manufactured Housing Construction and Safety Standards Act of 1974, in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

(2) "Mobile home" means a transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the National Manufactured Housing Construction and Safety Standards Act of 1974.

(3) "Permanently affixed" means anchored to, and supported by, a permanent foundation or installed in accordance with ~~[an installation standard as defined in Subsection 58-56-3(8)]~~ the manufactured housing installation standard code referred to in Section 58-56-4.